

General Assembly

Amendment

January Session, 2007

LCO No. 8844

HB0615808844HD0

Offered by:

REP. AMANN, 118th Dist.

REP. MCMAHON, 15th Dist.

REP. VILLANO, 91st Dist.

REP. SAYERS, 60th Dist.

REP. O'CONNOR, 35th Dist.

To: Subst. House Bill No. **6158**

File No. 246

Cal. No. 225

"AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR CHILDREN."

- Strike everything after the enacting clause and insert the following 1
- in lieu thereof: 2
- 3 "Section 1. Section 17b-292 of the general statutes is repealed and the
- 4 following is substituted in lieu thereof (*Effective July 1, 2007*):
- 5 (a) A child who resides in a household with a family income which
- exceeds one hundred eighty-five per cent of the federal poverty level 6
- and does not exceed [three] four hundred per cent of the federal
- 8 poverty level may be eligible for subsidized benefits under the HUSKY
- 9 Plan, Part B.
- 10 (b) A child who resides in a household with a family income over
- 11 [three] four hundred per cent of the federal poverty level may be

- 12 eligible for unsubsidized benefits under the HUSKY Plan, Part B.
- 13 (c) Whenever a court or family support magistrate orders a 14 noncustodial parent to provide health insurance for a child, such 15 parent may provide for coverage under the HUSKY Plan, Part B.
 - (d) To the extent allowed under federal law, the commissioner shall not pay for services or durable medical equipment under the HUSKY Plan, Part B if the enrollee has other insurance coverage for the services or such equipment.
 - (e) A newborn child who otherwise meets the eligibility criteria for the HUSKY Plan, Part B shall be eligible for benefits retroactive to his or her date of birth, provided an application is filed on behalf of the child [within] not later than thirty days [of] after such date. Any uninsured child born in a hospital in this state or in a border state hospital shall be enrolled on an expedited basis in the HUSKY Plan, Part B, provided (1) the mother of such child resides in this state, and (2) a parent of such child authorizes enrollment in the program. The commissioner shall pay any premium cost such family would otherwise incur for the first six months of coverage to the managed care organization selected by the mother to provide coverage for such child.
 - (f) The commissioner shall implement presumptive eligibility for children applying for Medicaid. Such presumptive eligibility determinations shall be in accordance with applicable federal law and regulations. The commissioner shall adopt regulations, in accordance with chapter 54, to establish standards and procedures for the designation of organizations as qualified entities to grant presumptive eligibility. Qualified entities shall ensure that, at the time a presumptive eligibility determination is made, a completed application for Medicaid is submitted to the department for a full eligibility determination. In establishing such standards and procedures, the commissioner shall ensure the representation of state-wide and local organizations that provide services to children of all ages in each

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- 45 (g) The commissioner shall enter into a contract with an entity to be 46 a single point of entry servicer for applicants and enrollees under the 47 HUSKY Plan, Part A and Part B. The servicer shall jointly market both 48 Part A and Part B together as the HUSKY Plan. Such servicer shall 49 develop and implement public information and outreach activities 50 with community programs. Such servicer shall electronically transmit 51 data with respect to enrollment and disenrollment in the HUSKY Plan, 52 Part B to the commissioner.
 - (h) Upon the expiration of any contractual provisions entered into pursuant to subsection (g) of this section, the commissioner shall develop a new contract for single point of entry services and managed care enrollment brokerage services. The commissioner may enter into one or more contractual arrangements for such services for a contract period not to exceed seven years. Such contracts shall include performance measures, including, but not limited to, specified time limits for the processing of applications, parameters setting forth the requirements for a completed and reviewable application and the percentage of applications forwarded to the department in a complete and timely fashion. Such contracts shall also include a process for identifying and correcting noncompliance with established performance measures, including sanctions applicable for instances of continued noncompliance with performance measures.
 - (i) The single point of entry servicer shall send an application and supporting documents to the commissioner for determination of eligibility of a child who resides in a household with a family income of one hundred eighty-five per cent or less of the federal poverty level. The servicer shall enroll eligible beneficiaries in the applicant's choice of managed care plan. Upon enrollment in a managed care plan, an eligible HUSKY Plan Part A or Part B beneficiary shall remain enrolled in such managed care plan for twelve months from the date of such enrollment unless (1) an eligible beneficiary demonstrates good cause to the satisfaction of the commissioner of the need to enroll in a

different managed care plan, or (2) the beneficiary no longer meets program eligibility requirements.

- (j) Not more than twelve months after the determination of eligibility for benefits under the HUSKY Plan, Part A and Part B and annually thereafter, the commissioner or the servicer, as the case may be, shall determine if the child continues to be eligible for the plan. The commissioner or the servicer shall mail an application form to each participant in the plan for the purposes of obtaining information to make a determination on eligibility. To the extent permitted by federal law, in determining eligibility for benefits under the HUSKY Plan, Part A or Part B with respect to family income, the commissioner or the servicer shall rely upon information provided in such form by the participant unless the commissioner or the servicer has reason to believe that such information is inaccurate or incomplete. The Department of Social Services shall annually review a random sample of cases to confirm that, based on the statistical sample, relying on such information is not resulting in ineligible clients receiving benefits under HUSKY Plan Part A or Part B. The determination of eligibility shall be coordinated with health plan open enrollment periods.
- (k) The commissioner shall implement the HUSKY Plan, Part B while in the process of adopting necessary policies and procedures in regulation form in accordance with the provisions of section 17b-10.
- (l) The commissioner shall adopt regulations, in accordance with chapter 54, to establish residency requirements and income eligibility for participation in the HUSKY Plan, Part B and procedures for a simplified mail-in application process. Notwithstanding the provisions of section 17b-257b, such regulations shall provide that any child adopted from another country by an individual who is a citizen of the United States and a resident of this state shall be eligible for benefits under the HUSKY Plan, Part B upon arrival in this state.
- Sec. 2. Section 17b-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

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(a) The Commissioner of Social Services shall provide, in accordance with federal law and regulations, medical assistance under the Medicaid program to needy pregnant women and children up to one year of age whose families have an income up to one hundred eighty-five per cent of the federal poverty level.

- (b) The commissioner shall expedite eligibility for appropriate pregnant women applicants for the Medicaid program. The process for making expedited eligibility determinations concerning needy pregnant women shall ensure that emergency applications for assistance, as determined by the commissioner, shall be processed no later than twenty-four hours after receipt of all required information from the applicant, and that nonemergency applications for assistance, as determined by the commissioner, shall be processed no later than five calendar days after the date of receipt of all required information from the applicant.
- (c) Presumptive eligibility for medical assistance shall be implemented for any uninsured newborn child born in a hospital in this state or a border state hospital, provided (1) the mother of such child resides in this state, and (2) a parent of such child authorizes enrollment in the program.
- [(c)] (d) The commissioner shall submit biannual reports to the council, established pursuant to section 17b-28, on the department's compliance with the administrative processing requirements set forth in subsection (b) of this section.
- Sec. 3. (NEW) (Effective July 1, 2007) (a) Notwithstanding the provisions of section 17b-299 of the general statutes, the Commissioner of Social Services shall establish a health insurance premium assistance program for individuals with dependent children who have income that exceeds three hundred per cent of the federal poverty level but does not exceed four hundred per cent of the federal poverty level and who have access to employer-sponsored health insurance. Individuals who elect to participate in such program shall be required to enroll

themselves and their dependent children in employer-sponsored health insurance to the maximum extent of available coverage as a condition of eligibility, provided the Department of Social Services determines that enrollment in the employer-sponsored coverage is more cost effective than enrolling the dependent children of such individual in the HUSKY Plan, Part B.

- (b) Any individual who elects to participate in such program shall receive a health insurance premium assistance subsidy from the state in an amount equal to the portion of the premium payment that is attributable to the health insurance coverage for the dependent children. The employer of such individual shall provide verification of the cost of the health insurance premium payment that is attributable to the health insurance coverage for the dependent children to the Department of Social Services in a form and manner as prescribed by the department. The cost of the health insurance premium payment that is attributable to the health insurance coverage for the dependent children shall not be deducted from such individual's weekly income, but instead such cost shall be transmitted directly to and paid for by the Department of Social Services. In addition, the Department of Social Services shall provide to the dependents of any individual who receives health insurance premium assistance in accordance with the provisions of this section, HUSKY Plan, Part B coverage for medical assistance or services not covered by the available employment sponsored health insurance.
- (c) The Commissioner of Social Services, pursuant to section 17b-10 of the general statutes, may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures as regulation, provided the commissioner prints notice of the intent to adopt the regulation in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.

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174 Sec. 4. (Effective July 1, 2007) Any managed care organization under 175 contract with the Department of Social Services to provide services 176 under the HUSKY Plan, Part A or Part B, or both, shall reimburse 177 providers of services to program beneficiaries at a rate that is at least 178 thirty-nine per cent greater than the rate paid to such providers for the 179 fiscal year ending on June 30, 2007, provided such increased rate shall 180 not exceed the usual and customary rate charged by such provider for 181 the same services to persons not enrolled in the HUSKY Plan, Part A or 182 Part B. For purposes of this section, "managed care organization" 183 includes any entity or subcontractor utilized by a managed care 184 organization to fulfill its contractual obligations with the Department 185 of Social Services for the provision of services under the HUSKY Plan, 186 Part A or Part B, or both.

- Sec. 5. Section 17b-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):
- (a) The commissioner shall impose cost-sharing requirements, including the payment of a premium or copayment, in connection with services provided under the HUSKY Plan, Part B, to the extent permitted by federal law, and in accordance with the following limitations:
 - (1) [On and after July 1, 2005, the] <u>The</u> commissioner may increase the maximum annual aggregate cost-sharing requirements, provided such cost-sharing requirements shall not exceed five per cent of the family's gross annual income. The commissioner may impose a premium requirement on families whose income exceeds two hundred thirty-five per cent of the federal poverty level as a component of the family's cost-sharing responsibility, provided: (A) The family's annual combined premiums and copayments do not exceed the maximum annual aggregate cost-sharing requirement, [and] (B) premium requirements for a family with income that exceeds two hundred thirty-five per cent of the federal poverty level but does not exceed three hundred per cent of the federal poverty level shall not exceed the sum of thirty dollars per month per child, with a maximum premium

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of fifty dollars per month per family, and (C) premium requirements

- 208 for a family with income that exceeds three hundred per cent of the
- 209 <u>federal poverty level but does not exceed four hundred per cent of the</u>
- 210 <u>federal poverty level who does not have any access to employer-</u>
- 211 sponsored health insurance coverage shall not exceed the sum of fifty
- 212 <u>dollars per child, with a maximum premium of seventy-five dollars</u>
- 213 per month. The commissioner shall not impose a premium
- 214 requirement on families whose income exceeds one hundred eighty-
- 215 five per cent of the federal poverty level but does not exceed two
- 216 hundred thirty-five per cent of the federal poverty level; and
- 217 (2) The commissioner shall require each managed care plan to
- 218 monitor copayments and premiums under the provisions of
- 219 subdivision (1) of this subsection.
- (b) (1) Except as provided in subdivision (2) of this subsection, the
- 221 commissioner may impose limitations on the amount, duration and
- scope of benefits under the HUSKY Plan, Part B.
- 223 (2) The limitations adopted by the commissioner pursuant to
- 224 subdivision (1) of this subsection shall not preclude coverage of any
- 225 item of durable medical equipment or service that is medically
- 226 necessary.
- Sec. 6. Section 17b-297 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective July 1, 2007*):
- (a) The commissioner, in consultation with the Children's Health
- 230 Council, the Medicaid Managed Care Council and the 2-1-1 Infoline [of
- Connecticut] program, shall develop mechanisms [for outreach for] to
- 232 <u>increase outreach and maximize enrollment of eligible children and</u>
- 233 <u>adults in</u> the HUSKY Plan, Part A [and] or Part B, including, but not
- 234 limited to, development of mail-in applications and appropriate
- outreach materials through the Department of Revenue Services, the
- 236 Labor Department, the Department of Social Services, the Department
- 237 of Public Health, the Department of Children and Families and the
- 238 Office of Protection and Advocacy for Persons with Disabilities. Such

239 <u>mechanisms shall seek to maximize federal funds where appropriate</u> 240 for such outreach activities.

- (b) The commissioner shall include in such outreach efforts information on the Medicaid program for the purpose of maximizing enrollment of eligible children and the use of federal funds.
- (c) The commissioner shall, within available appropriations, contract with severe need schools and community-based organizations for purposes of public education, outreach and recruitment of eligible children, including the distribution of applications and information regarding enrollment in the HUSKY Plan, Part A and Part B. In awarding such contracts, the commissioner shall consider the marketing, outreach and recruitment efforts of organizations. For the purposes of this subsection, (1) "community-based organizations" shall include, but not be limited to, day care centers, schools, school-based health clinics, community-based diagnostic and treatment centers and hospitals, and (2) "severe need school" means a school in which forty per cent or more of the lunches served are served to students who are eligible for free or reduced price lunches.
- (d) The commissioner, in consultation with the Latino and Puerto Rican Affairs Commission, the African-American Affairs Commission, representatives from minority community-based organizations and any other state and local organizations deemed appropriate by the commissioner, shall develop and implement outreach efforts that target medically underserved children, particularly Latino and other minority children, to increase enrollment of such children in the HUSKY Plan, Part A or Part B. Such efforts shall include, but not be limited to, developing culturally appropriate outreach materials, advertising through Latino media outlets and other minority media outlets, and the public education, outreach and recruitment activities described in subsections (a) to (c), inclusive, of this section.
- [(d)] (e) All outreach materials shall be approved by the commissioner pursuant to Subtitle J of Public Law 105-33, as amended

- 271 <u>from time to time</u>.
- [(e)] (f) Not later than January 1, [1999] 2008, and annually
- 273 thereafter, the commissioner shall submit a report to the Governor and
- 274 the General Assembly on the implementation of and the results of the
- 275 community-based outreach [program] programs specified ir
- subsections (a) to [(c)] (d), inclusive, of this section.
- Sec. 7. (NEW) (Effective July 1, 2007) (a) The Commissioner of Social
- 278 Services, in consultation with the Commissioner of Public Health, shall
- 279 develop and implement a plan for a system of preventive health
- services for children under the HUSKY Plan, Part A and Part B. The
- 281 goal of the system shall be to improve health outcomes for all children
- 282 enrolled in the HUSKY Plan and to reduce racial and ethnic health
- 283 disparities among children. Such system shall ensure that services
- 284 under the federal Early and Periodic Screening, Diagnosis and
- 285 Treatment program are provided to children enrolled in the HUSKY
- 286 Plan, Part A.
- (b) The plan shall:
- 288 (1) Establish a coordinated system for preventive health services for
- 289 HUSKY Plan, Part A and Part B beneficiaries including, but not limited
- 290 to, services under the federal Early and Periodic Screening, Diagnosis
- 291 and Treatment program, vision care, oral health care, care
- 292 coordination, chronic disease management and periodicity schedules
- 293 based on standards specified by the American Academy of Pediatrics;
- 294 (2) Require the Department of Social Services to track electronically
- 295 the utilization of services in the system of preventive health services by
- 296 HUSKY Plan, Part A and Part B beneficiaries to ensure that such
- 297 beneficiaries receive all the services available under the system and to
- 298 track the health outcomes of children; and
- 299 (3) Include payment methodologies to create financial incentives
- and rewards for health care providers who participate and provide
- 301 services in the system, such as case management fees, pay for

performance, and payment for technical support and data entry associated with patient registries.

- (c) The Commissioner of Social Services shall develop the plan for a system of preventive health services not later than January 1, 2008, and implement the plan not later than July 1, 2008.
- 307 (d) Not later than July 1, 2009, the Commissioner of Social Services 308 shall report, in accordance with the provisions of section 11-4a of the 309 general statutes, to the joint standing committees of the General 310 Assembly having cognizance of matters relating to human services, 311 insurance and public health on the implementation of the plan for a 312 system of preventive health services. The report shall include 313 information on health outcomes, quality of care and methodologies 314 utilized in the plan to improve the quality of care and health outcomes 315 for children.
 - Sec. 8. (NEW) (Effective July 1, 2007) (a) The Commissioner of Social Services, in collaboration with the Commissioners of Public Health and Children and Families, shall establish a child health quality the improvement program for purpose of promoting implementation of evidence-based strategies by providers participating in the HUSKY Plan, Part A and Part B to improve the delivery of and access to children's health services. Such strategies shall focus on physical, dental and mental health services and shall include, but need not be limited to: (1) Methods for early identification of children with special health care needs; (2) integration of care coordination and care planning into children's health services; (3) implementation of standardized data collection to measure performance improvement; and (4) implementation of family-centered services in patient care, including, but not limited to, the development of parent-provider partnerships. The Commissioner of Social Services shall seek the participation of public and private entities that are dedicated to improving the delivery of health services, including medical, dental and mental health providers, academic professionals with experience in health services research and performance

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measurement and improvement, and any other entity deemed appropriate by the Commissioner of Social Services, to promote such strategies. The commissioner shall ensure that such strategies reflect new developments and best practices in the field of children's health services. As used in this section, "evidence-based strategies" means policies, procedures and tools that are informed by research and supported by empirical evidence, including, but not limited to, research developed by organizations such as the American Academy of Pediatrics, the American Academy of Family Physicians, the National Association of Pediatric Nurse Practitioners and the Institute of Medicine.

- (b) Not later than July 1, 2008, and annually thereafter, the Commissioner of Social Services shall report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations, and to the Medicaid Managed Care Council on (1) the implementation of any strategies developed pursuant to subsection (a) of this section, and (2) the efficacy of such strategies in improving the delivery of and access to health services for children enrolled in the HUSKY Plan.
- Sec. 9. (NEW) (*Effective July 1, 2007*) (a) As used in this section and section 10 of this act:
- (1) "Electronic health information system" means an information processing system, involving both computer hardware and software that deals with the storage, retrieval, sharing and use of health care information, data and knowledge for communication and decision making, and includes: (A) An electronic health record that provides access in real-time to a patient's complete medical record; (B) a personal health record through which an individual, and anyone authorized by such individual, can maintain and manage such individual's health information; (C) computerized order entry technology that permits a health care provider to order diagnostic and treatment services, including prescription drugs electronically; (D)

electronic alerts and reminders to health care providers to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments; (E) error notification procedures that generate a warning if an order is entered that is likely to lead to a significant adverse outcome for a patient; and (F) tools to allow for the collection, analysis and reporting of data on adverse events, near misses, the quality and efficiency of care, patient satisfaction and other healthcare-related performance measures.

- (2) "Interoperability" means the ability of two or more systems or components to exchange information and to use the information that has been exchanged and includes: (A) The capacity to physically connect to a network for the purpose of exchanging data with other users; (B) the ability of a connected user to demonstrate appropriate permissions to participate in the instant transaction over the network; and (C) the capacity of a connected user with such permissions to access, transmit, receive and exchange usable information with other users.
- (3) "Standard electronic format" means a format using open electronic standards that: (A) Enable health information technology to be used for the collection of clinically specific data; (B) promote the interoperability of health care information across health care settings, including reporting to local, state and federal agencies; and (C) facilitate clinical decision support.
- (b) On or before July 1, 2008, the Department of Public Health, in consultation with the Departments of Social Services and Information Technology, and any other entity deemed appropriate by the Commissioner of Public Health, shall develop electronic data standards to facilitate the development of a state-wide, integrated electronic health information system for use by health care providers and institutions that are funded by the state. The electronic data standards shall (1) include provisions relating to security, privacy, data content, structures and format, vocabulary and transmission protocols, (2) be compatible with any national data standards in order to allow

for interstate interoperability, (3) permit the collection of health information in a standard electronic format, and (4) be compatible with the requirements for an electronic health information system.

- (c) The Department of Public Health may contract for the development of the electronic data standards through a request for proposals process.
- (d) Not later than October 1, 2008, the department shall report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services, government administration and appropriations on the electronic data standards developed pursuant to subsection (b) of this section.
- 413 Sec. 10. (NEW) (Effective October 1, 2008) (a) The Commissioner of 414 Public Health, in consultation with the Commissioners of Social 415 Services and Information Technology, shall establish a pilot program 416 in order to investigate the feasibility of establishing a state-wide, 417 integrated electronic health information system that may be used by 418 health care providers and institutions that are funded by the state. The 419 pilot program shall (1) provide grants to a consortium, consisting of at 420 least one school-based health clinic, a federally qualified community 421 health center or other community-based provider of health services, a 422 hospital and a provider serving HUSKY recipients, to implement an 423 electronic health information system that utilizes the electronic data 424 standards developed pursuant to section 9 of this act, and (2) be 425 located in areas designated by the federal Health Resources and 426 Services Administration as health professional shortage areas, 427 medically underserved areas or areas with medically underserved 428 populations. The Department of Public Health shall select grant 429 recipients under the pilot program through a request for proposals 430 process.
- (b) The pilot program shall commence on or before January 1, 2009, and terminate not later than January 1, 2011.

(c) On or before January 1, 2010, the Commissioner of Public Health shall submit an interim report on the progress of the pilot program, and on or before January 1, 2012, shall submit a final report on the results of the pilot program and the feasibility of establishing a statewide integrated electronic health information system, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services, government admnistration and appropriations."

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2007	17b-292
Sec. 2	July 1, 2007	17b-277
Sec. 3	July 1, 2007	New section
Sec. 4	July 1, 2007	New section
Sec. 5	July 1, 2007	17b-295
Sec. 6	July 1, 2007	17b-297
Sec. 7	July 1, 2007	New section
Sec. 8	July 1, 2007	New section
Sec. 9	July 1, 2007	New section
Sec. 10	October 1, 2008	New section